

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, and  
STATE OF NEW MEXICO, ex rel. STATE  
ENGINEER,

Plaintiffs,  
and

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,  
v.

A & R PRODUCTIONS, et al.,

Defendants.

**No. 01cv00072-BB/WDS**

**ZUNI RIVER BASIN  
ADJUDICATION**

**Subfile No: ZRB-1-0058**

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the following Motion for Default Judgment filed by Plaintiffs United States of America (“United States”) and State of New Mexico ex rel. State Engineer (“State”):

June 25, 2008 *Motion for Default Judgment*, Document No.1797

Consistent with the May 28, 2009 *Order Granting Motion for Default Judgment* (No. 2367), and being fully advised upon the record, the Court finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. Each defendant named below has been legally served with process or has waived service of summons.
3. Each defendant named below has failed to comply with the applicable procedural and scheduling orders and to appear, answer, or otherwise defend in the

indicated subfile, and is adjudged to be in default.

4. The portions of the Zuni River Basin Adjudication Hydrographic Survey Report for Subareas 4 and 8 (July 2004, as amended), prepared by Natural Resources Consulting Engineers, Inc. under contract to the United States, relating to the water rights of each defendant named herein have been introduced into the record and the same are hereby incorporated as the evidentiary basis of the water rights described in the order.

5. The water rights of each defendant named below in the above-styled and captioned civil action are as follows:

**RICHARD DAVIS MALLERY REVOCABLE TRUST**

**Subfile No: ZRB-1-0058**

**STOCK POND**

**Map Label:** 4A-3-SP34  
**Purpose of Use:** LIVESTOCK  
**Priority date:** 1/1/1970  
**Source of Water:** Surface Runoff  
**Point of Diversion:** Not Applicable

**Amount of Water:**

**Depth (ft):** 1.0  
**Surface Area (sq.ft):** 1,246  
**Storage Impoundment Volume (ac-ft):** 0.017

**Pond Location:** As shown on Hydrographic Survey Map 4A-3

**S. 5 T. 10N R. 14W 1/4, 1/16, 1/64: NE NW NW**  
**X(ft): 2,572,812 Y(ft): 1,503,688**

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Dam height (if greater than 9 ft):**

**WELL**

**Map Label:** 4A-3-W14

**OSE File No:** G 1660

**Priority Date:** 1/1/1989

**Purpose of Use:** DOMESTIC

**Well Location:** As shown on Hydrographic Survey Map 4A-3

**S. 5 T. 10N R. 14W 1/4, 1/16, 1/64:** NE NW NW

**X (ft):** 2,572,567 **Y (ft):** 1,503,532

New Mexico State Plane Coordinate System, West Zone, NAD 1983

**Amount of Water (ac-ft per annum):** Historical beneficial use not to exceed 0.7 acre-feet per annum;

WHEREFORE IT IS HEREBY ORDERED AND ADJUDGED that the water rights of each defendant named above are as set forth herein, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

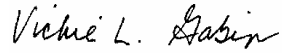
IT IS FURTHER ORDERED that each defendant named herein, and his or her successors, representatives, heirs and assigns, are HEREBY ENJOINED from any diversion or use of the waters of the Zuni River Stream System, except in strict accordance with this order or other orders of this Court in this civil action.



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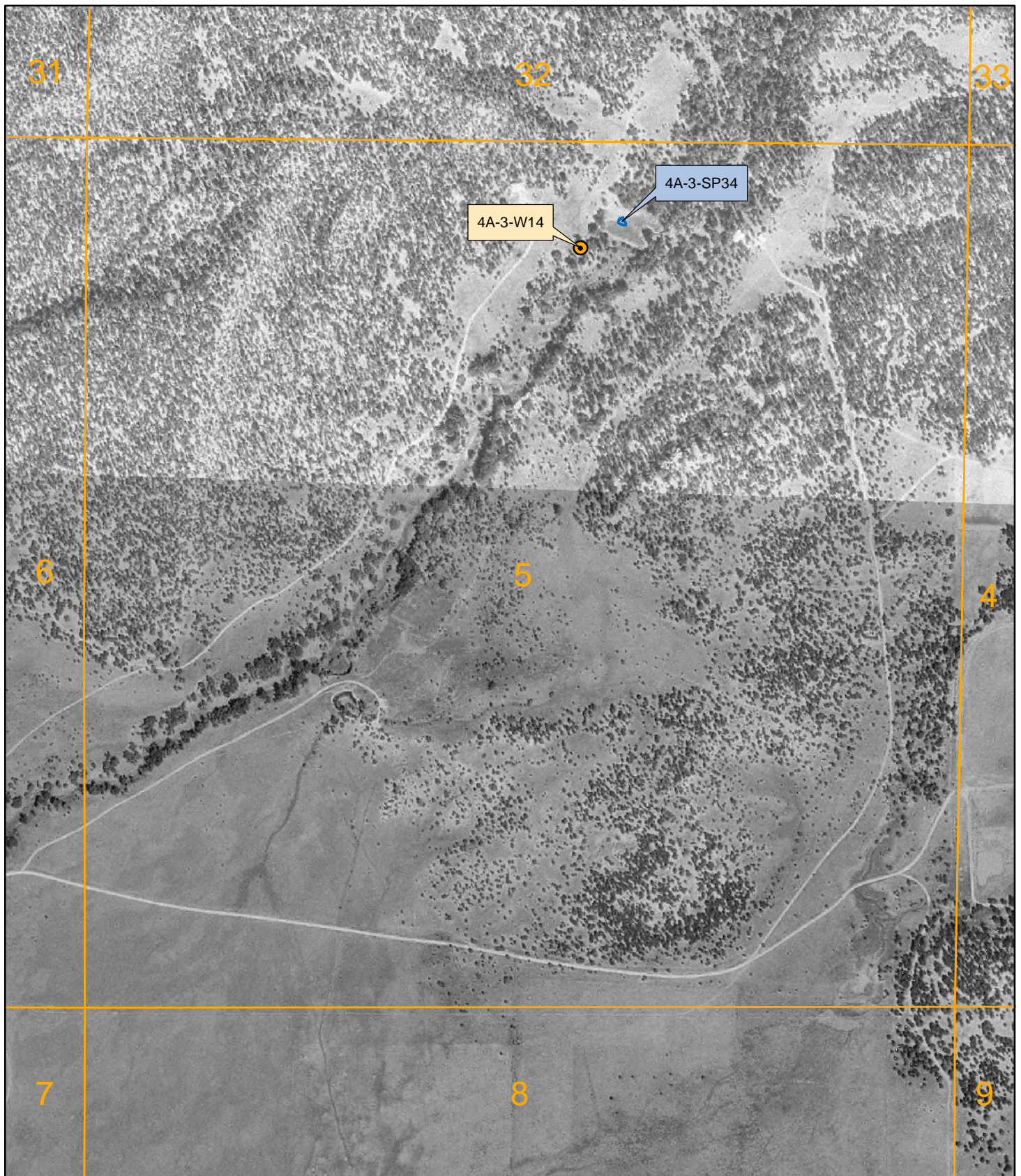
BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:








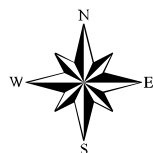
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VICKIE L. GABIN  
SPECIAL MASTER



# **LEGEND**

-  Well
-  Town
-  Stock Pond
-  Sub-Area Boundary
-  Section Boundary



1 inch equals 800 feet



Zuni River Basin  
Hydrographic Survey



**Natural Resources Consulting Engineers, Inc.**

Fort Collins, CO    Oakland, CA    Asmara, ERITREA

Project Manager: L. Niel Allen, P.E., Ph.D.

**Sub-Area 4**  
**Subfile Number: ZRB-1-0058**  
**PLSS: S05, T10N, R14W**  
**Sheet 1 of 1**

January 2005